

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>NANCY JO PULIS</b>	)	
Claimant	)	
VS.	)	
	)	Docket No. 187,559
<b>RUBBERMAID SPECIALTY PRODUCTS</b>	)	
Respondent	)	
AND	)	
	)	
<b>AMERICAN MANUFACTURERS MUTUAL</b>	)	
Insurance Carrier	)	
AND	)	
	)	
<b>KANSAS WORKERS COMPENSATION FUND</b>	)	

**ORDER**

Claimant filed an application for review by the Appeals Board of the September 20, 1996, Award entered by Administrative Law Judge John D. Clark. The Appeals Board heard oral argument in Wichita, Kansas, on March 12, 1997.

**APPEARANCES**

Claimant appeared by her attorney, Andrew E. Busch of Wichita, Kansas. Respondent and its insurance carrier appeared by their attorney, Frederick L. Haag of Wichita, Kansas. The Kansas Workers Compensation Fund appeared by its attorney, Orvel Mason of Arkansas City, Kansas. There were no other appearances.

**RECORD AND STIPULATIONS**

The Appeals Board considered the record and adopted the stipulations listed in the Award of the Administrative Law Judge.

**ISSUES**

The claimant raised the following issues for review by the Appeals Board:

- (1) Whether claimant suffered additional permanent injury to her upper extremities from an accident that arose out of and in the course of her employment with the respondent.
- (2) Nature and extent of claimant's disability.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record, considering the briefs, and hearing arguments of the parties, the Appeals Board finds as follows:

Claimant alleged her work activities while working for respondent from September 1991 until she left employment of the respondent on November 5, 1993, caused permanent injury to her upper extremities. The Administrative Law Judge denied claimant's request for permanent partial disability benefits. The Appeals Board affirms.

Claimant received a \$22,000 lump sum settlement in a workers compensation claim for bilateral wrist and hand injuries on January 14, 1993. The settlement represented a 25 percent whole body functional impairment. Dr. Paul Lesko had performed de Quervains releases on each of claimant's thumbs in 1990 and 1991. Claimant had returned to her employment with the respondent in September of 1991 to her regular job duties without restrictions.

Claimant's present claim is for additional permanent injuries she allegedly sustained to her bilateral upper extremities while performing her regular work activities from September 1991 through November 5, 1993, her last day worked. However, the record established claimant only worked about 110 days in this 25-plus month period because of numerous medical problems not related to her employment.

Two physicians testified in this case, Ernest R. Schlachter, M.D., and Robert W. Yoachim, M.D. The Administrative Law Judge gave greater weight to Dr. Yoachim's opinion, as claimant's treating physician, than he did to Dr. Schlachter's opinion. Dr. Yoachim opined that given the small amount of time claimant actually worked after she returned from her bilateral upper extremity injuries in 1991, that it was not likely for the work to have caused further permanent injury to her upper extremities.

The Appeals Board finds that the Administrative Law Judge's findings of fact and conclusions of law set forth in his Award are accurate and appropriate. Accordingly, those findings and conclusions are adopted by the Appeals Board as its own as if fully set forth herein.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge John D. Clark dated September 20, 1996, that denied claimant's request for workers compensation benefits, should be, and is hereby, affirmed in all respects.

All remaining orders contained in the Award of the Administrative Law Judge are adopted by the Appeals Board as if specifically set forth herein.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April 1997.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Andrew E. Busch, Wichita, KS  
Frederick L. Haag, Wichita, KS  
Orvel Mason, Arkansas City, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director